

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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P R 311225Z DEC 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN PRIORITY

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

SECSTATE WASHDC 1829

C O N F I D E N T I A L USBERLIN 2660

E O 11652: GDS

TAGS: PGOV, PFOR, WB, GE, GW

SUBJ: DRAFT BK/O AND BK/L ON REICHSBAHN ASPECT
OF INNER-GERMAN AGREEMENT

REFS: A) USBER 2615; B) STATE 304685; C) USBER 2646

1. LATE DEC 30 BRITISH MISSION PROVIDED FOLLOWING
CHANGE IN PARA 4A OF DRAFT BK/O (USBERLIN 2615):
QUOTE APPROPRIATE DOCUMENTS AND IN PARTICULAR THE
PLANS RELATING TO THESE MEASURES WILL BE SUBMITTED
TO THE COMPETENT ALLIED SECTOR AUTHORITIES IN ACCOR-
DANCE WITH PAST PRACTICE FOR THEIR PRIOR APPROVAL.
END QUOTE. BRITISH STATED BRITISH EMBASSY BONN WAS
ALSO SEEKING LONDON CLEARANCE FOR CHANGE.

2. WE AND FRENCH IMMEDIATELY INDICATED THAT PROPOSED
CHANGE GUTTED MAJOR PURPOSE OF BK/O. BRITISH EXPLAINED
THEIR BONN EMBASSY FELT DIRECT MISSION OF REICHSBAHN
WOULD BE PROVOCATIVE TO GDR. BRITISH EMBASSY IS
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CONCERNED THAT IF REICHSBAHN FAILED TO SUBMIT RELEVANT

DOCUMENTS TO AK, ALLIES WOULD BE FACED WITH CHOICE OF BLOCKING CONSTRUCTION OF THREE STATIONS IN WSB OR OF BACKING DOWN IGNOMINIOUSLY. RE FIRST POSSIBILITY, BRITISH HAVE EVEN CONJURED UP NIGHTMARE OF ALLIED MILITARY POLICE ENTERING STATIONS TO DISPERSE CONSTRUCTION WORKERS. WITH RESPECT TO SECOND POSSIBILITY, BRITISH FEEL THAT FRG MIGHT ASK ALLIES TO BACK DOWN IN HIGH LEVEL APPROVALS.

3. WE TOOK THESE CONTINGENCIES INTO CONSIDERATION IN RECOMMENDING APPROVAL OF DRAFT BK/O AND BK/L. WE BELIEVE RISK OF POSSIBLE ARGUMENT WITH GDR IS FAR LESS SERIOUS THAN MUCH LARGER DAMAGE WHICH WOULD BE DONE TO ALLIED POSITION IN WSB IF WE SIMPLY PERMITTED GDR TO ACT ON BEHALF OF REICHSBAHN IN WSB AND FREED LATER FROM OBLIGATION TO DEAL DIRECTLY WITH ALLIES, WHICH WOULD BE THE CASE IF BRITISH CHANGE WERE ACCEPTED. IT IS SIMPLY NOT ENOUGH FOR GDR TO PROVIDE SENAT WITH RELEVANT DOCUMENTATION FOR SENAT TO PASS ON TO AK. REICHSBAHN PROBLEMS HAVE ARISEN CONSTANTLY OVER PAST THIRTY YEARS AND HAVE AT TIMES ASSUMED VERY SERIOUS PROPORTIONS. WE DO NOT THINK REICHSBAHN IS AREA IN WHICH WE SHOULD PERMIT SUCH A FUNDAMENTAL CHANGE IN WSB RELATIONSHIPS TO OCCUR.

4. WE DISAGREE WITH BRITISH BACKGROUND ANALYSIS ON TWO COUNTS. BRITISH MAINTAIN GDR IS LIKELY TO REACT NEGATIVELY TO REQUIREMENT FOR REICHSBAHN TO SUBMIT RELEVANT DOCUMENTS TO AK. WE BELIEVE THIS POSSIBILITY IS NOT LIKELY GIVEN FACT THAT REICHSBAHN DID SUBMIT PLANS TO AK FOR WANNSEE RECONSTRUCTION IN 1972-1973 AND HAS ROUTINELY SUBMITTED OFFICIAL REQUESTS TO APPROPRIATE ALLIED SECTOR AUTHORITIES WHEN MATERIAL IN WSB WAS TO BE SOLD OR OTHERWISE DISPOSED OF. WE ALSO BELIEVE THAT A "PAST PRACTICE" BASICALLY SHOWS THAT REICHSBAHN HAS SUBMITTED TO SECTOR AUTHORITIES RELEVANT DOCUMENTS WHEN MAJOR CONSTRUCTION WAS INVOLVED OR WHEN CLEAR AK INSTRUCTIONS GOVERNING PROJECTS WERE CARRIED OUT WITHOUT FORMAL AK APPROVAL WHEN THEY COULD HAVE HAD NO CONCEIVABLE EFFECT ON ALLIED OPERATIONS. CONFIDENTIAL

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IN PRESENT CASE HOWEVER REICHSBAHN CONSTRUCTION IN CHARLOTTENBURG AND WANNSEE WILL HAVE SOME EFFECT ON ALLIED MILITARY TRAINS AND HENCE IS OF DIRECT RELEVANCE TO ALLIES.

5. IN SUMMARY, WE AND FRENCH CONTINUE TO BELIEVE THAT ALLIED PREROGATIVES IN BERLIN MUST BE OBSERVED IN THIS INSTANCE. WE FEEL WE SHOULD ACCEPT RISK

THAT WE MAY ENTER INTO SOME DEGREE OF DIFFICULTY WITH
GDR AND/OR FRG OVER THIS ISSUE. OUR GUESS HERE IS THAT
REICHSBAHN WOULD SUBMIT RELEVANT DOCU-
MENTATION WITHOUT MUCH ARGUMENT AS IN PAST. SHOULD THIS
NOT BE CASE, IT WOULD REPRESENT CONSCIOUS GDR EFFORT
TO BREAK WITH PAST THAT WE WOULD THINK ALLIES
SHOULD REBUT BRITISH MISSION
HER SEEMS TO BE SYMPATHETIC TO FRENCH AND
US POSITION SO SEEMS CLEAR IT IS BRITISH EMBASSY IN BONN
WHICH IS ACTING WITH WHAT WE REGARD AS
TIMIDITY. WE REGRET IT HAS TAKEN
BRITISH SO LONG TO RAISE OBJECTIONS WHICH MIGHT HAVE
BEEN DISCUSSED AND DEALT WITH TEN DAYS AGO. HOWEVER
REGRETTABLE THIS DELAY MAY BE, WE REGARD
AS SERIOUS ISSUE NEED FOR ALLIES AT THIS JUNCTURE TO
DEMONSTRATE AS SOON AS POSSIBLE THAT REICHSBAHN
OPERATIONS IN WSB ARE ALLIED RESPONSIBILITY AND ARE
NOT FOR GDR ALONE OR FRG AND GDR TOGETHER TO TAKE OVER.
WE HAVE REPEATEDLY TOLD BRITISH HERE THAT WHILE AMB
HILLENBRAND AGREED IN PRINCIPLE WITH RESULTS OF FRG/
GDR NEGOTIATIONS ON OPENING OF STATIONS, HE ALSO
INSISTED THAT NORMAL LEGAL PROCEDURES BE FOLLOWED
WHICH IS ALL THAT WE ARE SEEKING TO DO.

6. WE THEREFORE RECOMMEND THAT EMBASSY BONN TRY AGAIN
TO BRING BRITISH AROUND ON THIS QUESTION. GEORGE

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